

## MINUTES

### CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, FEBRUARY 7, 2012

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, February 7, 2012.

Mayor Craig Cates called the meeting to order at 6:00 p.m.

Answering roll call were Commissioners Teri Johnston, Clayton Lopez, Mark Rossi, Billy Wardlow, Jimmy Weekley, Tony Yaniz and Mayor Craig Cates.

Also present were City Manager Jim Scholl, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, Assistant City Attorney Ron Ramsingh, City Planner Don Craig, Police Chief Donnie Lee, Fire Chief David Fraga, Fire Department Division Chief Michael Davila, Community Services Director Greg Veliz, Deputy Community Services Director Rodrigo Delostrinos, Human Resources Director Sandy Gilbert, Information Technology Director Patti McLaughlin, Senior Project Manager Doug Bradshaw, Utilities Manager Jay Gewin, Code Compliance Manager Jim Young, Key West Bight Operations Manager John Paul Castro, Senior Deputy City Clerk Sue Harrison and City Clerk Cheri Smith.

Command Chaplin David Martin, Naval Air Station Key West, gave the invocation.

The pledge of allegiance to the flag of the United States of America was given by all present.

#### **CHANGES TO THE AGENDA:**

Commissioner Johnston requested Resolution Item #13 be removed from the Consent Agenda.

The City Manager requested Ordinance Item #26 be postponed to February 22, 2012 and that the Discussion Item #29 (Keys Energy Harding Project) to also be postponed.

The Clerk announced a speaker for Resolution Item #11 and that item would need to be removed from the Consent Agenda.

It was moved by Commissioner Rossi and seconded by Commissioner Lopez to approve the agenda as changed.

The Mayor acknowledged the motion and second and without opposition, the agenda was accepted as changed.

**COMMENDATIONS:**

Ms. Peggy Ward-Grant – Bahama Village Redevelopment Advisory Committee  
Mr. Warren Leamard – Bahama Village Redevelopment Advisory Committee

**PROCLAMATIONS:**

Wesley House Valentine's Day

**PRESENTATIONS:**

City Attorney's Report

Mr. Smith announced the first meeting of the City Manager Screening Committee was scheduled for February 15, 2012 at 1:30 p.m. in Commission Chamber at Old City Hall.

Mr. Smith updated the Commission on the Assisted Care Coalition Lease Agreement. Family Pride had withdrawn from any further negotiations. The lease agreement in place began December 31, 2011 with the Florida Keys Assisted Care Coalition. Certain obligations, if not met, can lead to termination of the agreement.

City Manager's Report

Mr. Scholl updated the Commission on the Utilities Customer Billing with the Florida Keys Aqueduct Authority.

Mr. Scholl reported there have been meetings with Keys Energy on the utility pole issue (Hardening). This item would be coming before the Commission for consideration.

Mr. Scholl reported on the Florida State Grant for the Marina at Truman Waterfront. He said they met with Meisel-Spottswood representatives to discuss achieving requirements of the grant for a design plan and permitting application. They would be meeting with Mr. Verge regarding the Ingham. He said the Mohawk had been sold and would be removed to Ft. Myers in the spring.

**CONSENT AGENDA:**

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Rossi and seconded by Commissioner Weekley to approve the consent agenda items.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to approve the Minutes and pass the Resolutions as read.

**APPROVAL OF MINUTES:**

January 3, 2012 (Regular)

**RESOLUTIONS:**

**RESOLUTION NO. 12-047**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES TO LUIS PEREZ FOR A FAMILY REUNION AT 2924 PATTERSON AVENUE FOR AN EVENT TO TAKE PLACE DURING THE HOURS OF 12:00 NOON TO 10:00 P.M. ON SATURDAY, FEBRUARY 18, 2012; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-048**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING FINNIGAN'S WAKE IRISH PUB & EATERY TO CONDUCT THE ANNUAL ST. PATRICK'S DAY CELEBRATION ON MARCH 17, 2012 FROM 10:00 A.M. TO MIDNIGHT; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF JAMES STREET BETWEEN GRINNELL & MARGARET STREETS FROM 10:00 A.M. TO MIDNIGHT; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 10:00 A.M. TO**

**MIDNIGHT; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-049**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AMIGOS TORTILLA BAR TO CONDUCT A "CINCO DE MAYO" FUNDRAISER FOR THE AMERICAN CANCER SOCIETY ON THE 400 BLOCK OF GREENE STREET FROM THE CORNER OF DUVAL STREET TO TELEGRAPH LANE SATURDAY, MAY 5, 2012 FROM 5:00 P.M. TO 12:00 MIDNIGHT; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF THE 400 BLOCK OF GREENE STREET BETWEEN DUVAL STREET AND TELEGRAPH LANE FROM 5:00 P.M. TO 12:00 MIDNIGHT; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 5:00 P.M. TO 12:00 MIDNIGHT; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE BARRICADED AREA; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-050**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING BAUER RESTAURANT, DBA KEY WEST SONGWRITERS FESTIVAL, TO CONDUCT A SONGWRITERS FESTIVAL ON SATURDAY, MAY 5, 2012 DURING THE HOURS OF 6:00 P.M. TO 11:00 P.M.; AUTHORIZING THE CLOSURE OF THE 200 BLOCK OF DUVAL STREET FROM 6:00 P.M. TO 11:00 P.M.; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 6:00 P.M. TO MIDNIGHT; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-051**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT FOR PARTICIPATING FORT LAUDERDALE UASI (URBAN AREA SECURITY INITIATIVE) AGENCIES" FOR FY 2008; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-052**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED “WORKFORCE SERVICES CONTRACT BETWEEN THE SOUTH FLORIDA WORKFORCE INVESTMENT BOARD AND THE CITY OF KEY WEST” FOR A TOTAL GRANT AWARD OF \$35,000.00 TO CONDUCT THE “FIRE ACADEMY TRAINING PROGRAM – WIA YOUTH”; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-053**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING CUMULATIVE EXPENDITURES DURING FY 11-12 TO ENTITIES LISTED IN ATTACHMENT “A” IN EXCESS OF \$20,000.00; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-054**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED CONCESSION AGREEMENT BETWEEN THE CITY AND PAUL FINDLAY; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-055**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ADOPTING THE INDIRECT COST STUDY AND COST ALLOCATION PLAN, PREPARED BY MALCOLM PIRNIE, DATED JULY 21, 2011; PROVIDING FOR AN EFFECTIVE DATE**

The said Resolutions were thereupon declared by the Mayor to have been duly passed and adopted and were authenticated by the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**RESOLUTION NO. 12-056**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED CONSENT ORDER BETWEEN THE CITY AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) PERTAINING TO THE REMOVAL OF MANGROVES ON 10<sup>TH</sup> STREET; AUTHORIZING THE**

**CITY MANAGER TO EXECUTE THE CONSENT AGREEMENT;  
PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

George Halloran, 16 Hilton Haven, for Last Stand  
John Jones, 1024 James Street

It was moved by Commissioner Weekley and seconded by Commissioner Rossi that the Resolution be passed and adopted as read.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to pass the Resolution as read.

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**RESOLUTION NO. 12-057**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REJECTING THE BID RECEIVED IN RESPONSE TO INVITATION TO BID (ITB) #12-013 FOR CEMETERY LANDSCAPING SERVICES; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

John Jones, 1024 James Street  
Greg Veliz, Community Services Director

It was moved by Commissioner Rossi and seconded by Commissioner Johnston that the Resolution be passed and adopted as read.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to pass the Resolution as read.

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**RESOLUTION NO. 12-058**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "MEMORANDUM OF UNDERSTANDING REGARDING PARAMETERS FOR NEGOTIATION OF GLYNN R. ARCHER SCHOOL PROPERTY"; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution and read letters into the record from the following:

Michael Richie  
Herb and Lizzy Poole, 366 Sawyer, Cudjoe Key  
Janet Hartwell  
Peter Anderson, 613 Simonton Street  
Jim Marquardt, G.M. The Gardens Hotel, 526 Angela Street  
Mary Ellen Beattie  
Owen Trepanier  
Jed and Christina Regante, 1612 United Street

The following people spoke on the matter:

John Padget, 611 Frances Street  
Margaret Romero, 1615 Washington Street  
Richard Tallmadge, 1700 Jamaica Drive  
Judy Martinez, 1020 Emma Street, 3-A  
Rob Smith-Martin, 2503 Fogarty  
Shawn Smith, City Attorney

Under discussion, it was moved by Commissioner Rossi and seconded by Commissioner Lopez that the Resolution be passed and adopted as read with the understanding that a contract be available to review and approve within 60 days.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**RESOLUTION NO. 12-059**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE DESIGN OF A SIDEWALK ON THE NORTH SIDE OF SOUTH ROOSEVELT BOULEVARD, USING UP TO SIX (6) FEET OF THE BRIDLE PATH, TO BE INCLUDED IN THE SOUTH ROOSEVELT BOULEVARD RECONSTRUCTION PROJECT; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

George Halloran, 16 Hilton Haven, Apt. B, for Last Stand  
Jim Scholl, City Manager  
Doug Bradshaw, Senior Project Manager

It was moved by Commissioner Wardlow and seconded by Commissioner Rossi that the Resolution be passed and adopted as read.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to pass the Resolution as read.

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**RESOLUTION NO. 12-060**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ACCEPTING THE RECOMMENDATIONS OF THE TRUMAN WATERFRONT ADVISORY BOARD (TWAB) CONTAINED IN THE ATTACHED TWAB RESOLUTION DATED JANUARY 23, 2012; MODIFYING RESOLUTION NO. 09-051 AND RESOLUTION NO. 10-277; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.



The following person spoke on the matter:

Robert Kelly, 1801 N. Roosevelt Boulevard

It was moved by Commissioner Johnston and seconded by Commissioner Lopez that the Resolution be passed and adopted as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**RESOLUTION NO. POSTPONED**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE BROADCAST OF MEETINGS OF THE TRUMAN WATERFRONT ADVISORY BOARD; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Robert Kelly, 1801 N. Roosevelt Boulevard

Jim Scholl, City Manager

Mark Finigan, Assistant City Manager

Shawn Smith, City Attorney

It was moved by Commissioner Weekley and seconded by Commissioner Lopez, for discussion, that the Resolution be postponed until further discussion during budget hearings.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: Commissioners Johnston and Lopez

**SO ORDERED**

**RESOLUTION NO. 12-061**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SUPPLEMENTING ORDINANCE NO. 03-15, AS AMENDED AND SUPPLEMENTED BY ORDINANCE NO. 12-01, WHICH AUTHORIZED THE ISSUANCE OF THE CITY'S SEWER SYSTEM REVENUE BONDS, SERIES 2012, TO PARTIALLY FINANCE SEWER PROJECTS ORIGINALLY FUNDED THROUGH THE STATE OF FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT AND PAYING COSTS OF ISSUANCE RELATED THERETO; PLEDGING A PARITY LIEN ON THE NET REVENUES OF THE SEWER SYSTEM FOR THE PAYMENT OF SUCH BONDS; PROVIDING FOR THE RIGHTS OF THE REGISTERED OWNERS OF SUCH BONDS; APPOINTING A BOND REGISTRAR AND PAYING AGENT; AUTHORIZING THE PRIVATE NEGOTIATED SALE OF SUCH BONDS PURSUANT TO THE TERMS AND CONDITIONS DESCRIBED HEREIN AND IN THE COMMITMENT; DESIGNATING SUCH BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS WITHIN THE MEANING OF THE INTERNAL REVENUE CODE; ESTABLISHING THE RESERVE REQUIREMENT FOR SUCH BONDS; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Jay Gewin, Utilities Manager  
David Moore, Public Financial Management  
John Mastracchio, Malcolm Pirnie

It was moved by Commissioner Rossi and seconded by Commissioner Weekley that the Resolution be passed and adopted authorizing the bond amount not to exceed \$4,065,000.00.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**RESOLUTION NO. 12-062**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING PAYMENT TO THE FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT (FDEM) IN THE AMOUNT OF \$6,268,629.48 TO RESOLVE STAFFORD ACT FUNDS OWED FROM THE SEWER AND SOLID WASTE FUND FROM HURRICANE IRENE; APPROVING BUDGET TRANSFERS AS NEEDED TO FACILITATE PAYMENT; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

It was moved by Commissioner Rossi and seconded by Commissioner Johnston that the Resolution be passed and adopted as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**RESOLUTION NO. POSTPONED**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE SALE OF REAL PROPERTY COMMONLY KNOWN AS 529 FRONT STREET (RE NUMBER 00072082-000600); PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Margaret Romero, 1615 Washington Street  
Shawn Smith, City Attorney

It was moved by Commissioner Yaniz and seconded by Commissioner Wardlow to reject all bids submitted for the sale of the property at 529 Front Street.

After discussion the Mayor requested the Clerk call the roll.

Yeas: Commissioners Wardlow and Yaniz

Nays: Commissioners Johnston, Lopez, Rossi, Weekley and Mayor Cates

The motion failed.

It was moved by Commissioner Weekley and seconded by Commissioner Rossi that the Resolution be passed and adopted giving staff direction to negotiate with Pier House Joint Ventures whether by extending the lease or by sale of the property.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Rossi and Weekley

Nays: Commissioners Lopez, Wardlow, Yaniz and Mayor Cates

The motion failed.

It was moved by Commissioner Weekley and seconded by Commissioner Rossi that the Resolution be postponed.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley and Mayor Cates

Nays: Commissioner Yaniz

**SO ORDERED**

The meeting was recessed for 10 minutes.

**RESOLUTION NO. 12-063**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SPECIFYING MINIMUM CRITERIA AND QUALIFICATIONS FOR SELECTION OF THE NEW CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Shawn Smith, City Attorney  
Sandy Gilbert, Human Resources Director

The Commissioners expressed their minimum qualifications as follows:

Education – Masters in Public Administration or Public Finance in local or county government  
Experience – Five or more years serving as a city manager in a city with a population of 50,000 or more or as a county administrator with a population of 100,000 or more  
Or Experience as an Assistant City Manager or Assistant County Manager  
Strong interpersonal relations and an understanding of the diversity, the culture and the environment of this community  
Good communication skills  
Background in tourist and/or military based community  
Prior experience with a commission/manager style of government  
Standard skills – Cost effective operation of a municipal government with strong finance skills  
Strong in strategic planning and strengths in sustainable communities and how to promote a “green environment”  
Familiarity with hurricane and evacuation and disaster management (NIMS ICS Certification)  
Familiarity with Florida Sunshine Laws  
Familiarity with the environment in Key West and surrounding area  
Knowledge of insurance rates with the State of Florida  
To have some flexibility where experience could be substituted for education requirements  
To have the concept of a “small city” with the cultural and diversity of Key West  
To have common sense and to be able to get along with and connect with people  
Local preference and the ability to live within the City limits

It was moved by Commissioner Rossi and seconded by Commissioner Weekley that the Resolution be passed and adopted incorporating the suggestions as proposed by the City Commission.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to pass the Resolution.

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**ORDINANCES - FIRST READING:**

**ORDINANCE NO. Passed to Second Reading on February 22, 2012**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, CREATING CHAPTER OR AMENDING CHAPTER 42 ENTITLED “MISCELLANEOUS OFFENSES” BY AMENDING SECTION 42-11 “NO PANHANDLING/NO SOLICITATION AREAS”, REDEFINING THE PROHIBITED AREAS WITHIN THE CITY OF KEY WEST; PROVIDING FOR THE ESTABLISHMENT OF ALLOWABLE PANHANDLING ZONES WITHIN PROHIBITED AREAS; PROVIDING FOR**

**SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance.

The following people spoke on the matter:

Ron Ramsingh, Assistant City Attorney  
Patrick Stecher, 1015 Simonton Street  
Joanne Hasman, 2681 N. Roosevelt Boulevard  
Virginia Panico, 510 Greene Street, Chamber of Commerce  
Donnie Lee, Chief of Police

It was moved by Commissioner Rossi and seconded by Commissioner Lopez, for discussion that the Ordinance be passed on first reading as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Weekley and Mayor Cates

Nays: Commissioners Wardlow and Yaniz

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first reading.

**SO ORDERED**

**ORDINANCE NO. Passed to Second Reading on February 22, 2012**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES ENTITLED "ENVIRONMENT" BY CREATING SECTION 26-101 PARK RULES TO PROVIDE FOR REGULATIONS CONCERNING ALL CITY PARKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance and read a letter into the record from Donna Noel Stayton, Tobacco-Free Florida Keys Acting Chair.

The following people spoke on the matter:

Ron Ramsingh, Assistant City Attorney  
Chris Tittel, 634 Louisa Street  
Mike Mongo, 1218 Pearl Street

Greg Veliz, Community Services Director  
Donnie Lee, Chief of Police

It was moved by Commissioner Rossi and seconded by Commissioner Johnston that the Ordinance be passed on first reading as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first reading.

**SO ORDERED**

**ORDINANCE NO. Postponed to February 22, 2012**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, CREATING CHAPTER OR AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "STREET PERFORMERS AND STREET ARTISTS," BY AMENDING SECTION 6-1 DEFINITIONS, TO PROVIDE FOR AN AMENDMENT TO THE DEFINITION OF THE DUVAL STREET CORRIDOR CULTURAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance.

It was moved by Commissioner Lopez and seconded by Commissioner Weekley that the Ordinance be postponed to February 22, 2012.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to postpone the Ordinance for first reading to February 22, 2012.

**SO ORDERED**

**ORDINANCE NO. Passed to Second Reading on February 22, 2012**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES ENTITLED "ADMINISTRATION" BY ADDING SECTION 2-799 TO REQUIRE CITY CONTRACTORS TO PROVIDE EQUAL BENEFITS TO DOMESTIC**

**PARTNERS; PROVIDING EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance and read letters into the record from the following:

Owen Trepanier  
J. T. Thompson, Founder One Human Family Educational Foundation

The following people spoke on the matter:

Margaret Romero, 1615 Washington Street  
Rudy Molinet, 517 Grinnell Street

It was moved by Commissioner Weekley and seconded by Commissioner Johnston that the Ordinance be passed on first reading as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first reading.

**SO ORDERED**

**ORDINANCES SECOND READING: (Public Hearing)**

**ORDINANCE NO. 12-02**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 122-926 TO CLARIFY INTENT; AMENDING SECTION 122-928 TO CLARIFY CULTURAL AND CIVIC ACTIVITIES WITH ACCESSORY/ASSOCIATED COMMERCIAL SALES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance.

It was moved by Commissioner Weekley and seconded by Commissioner Rossi for the Ordinance to be passed on second reading as read.



The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**CITIZEN COMMENTS:**

There were no comments from the public.

**COMMISSION COMMENTS:**

Commissioner Johnston updated the Commission on the Evacuation Committee. She said forecasters are much better at forecasting the location of a storm but not at forecasting the intensity of a storm. The Hurricane Evacuation Model has been geared to water, surge and wind which is more appropriate to Monroe County and the City of Key West.

Commissioner Lopez expressed his condolences at the passing of Mr. Louis Fisher. Commissioner Wardlow also mentioned Mr. Fisher had been a city firefighter.

**ADJOURNMENT:**

There being no further business the Mayor adjourned the meeting at 10:13p.m.



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Cheryl Smith, MMC, CPM  
City Clerk